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### *Counsel for Defendants*

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

**STATE OF CALIFORNIA, *et al.*,**

**Plaintiffs,**

V.

RYAN ZINKE, in his capacity as Secretary of the Interior, *et al.*,

Defendants.

No. 4:18-cv-05712-YGR  
(Consolidated With Case No. 4:18-cv-05984-YGR)

**DEFENDANTS' MOTION FOR A STAY OF  
CASE MANAGEMENT CONFERENCE  
IN LIGHT OF LAPSE OF  
APPROPRIATIONS**

1                   **MOTION FOR A STAY OF CASE MANAGEMENT CONFERENCE**  
2                   **IN LIGHT OF LAPSE OF APPROPRIATIONS**

3                   The United States of America hereby moves for a stay of the January 7, 2019, Case Management  
4 Conference in the above-captioned case.

5                   1. At the end of the day on December 21, 2018, the appropriations act that had been funding  
6 the Department of Justice expired and appropriations to the Department lapsed. The same is true for  
7 several other Executive agencies, including the federal defendants. The Department does not know  
8 when funding will be restored by Congress.

9                   2. Absent an appropriation, Department of Justice attorneys and employees of the federal  
10 defendants are prohibited from working, even on a voluntary basis, except in very limited circumstan-  
11 ces, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C.  
12 § 1342.

13                   3. Undersigned counsel for the Department of Justice therefore requests a stay of the Janu-  
14 ary 7, 2019, Case Management Conference until Congress has restored appropriations to the Depart-  
15 ment.<sup>1</sup>

16                   4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as  
17 Congress has appropriated funds for the Department.

18                   5. Opposing counsel and Intervenors have no objection to this motion. Citizens Group  
19 plaintiffs respectfully request that, should the Court decide to hold a case management conference, the  
20 Court schedule the case management conference at its earliest convenience after the government reo-  
21 pens.

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<sup>1</sup> As stated in their Joint Case Management Statement, ECF No. 77, the parties do not believe that a case  
27 management conference is necessary should the Court adopt the schedule proposed in paragraph 17 of  
the Joint Case Management Statement.

1 Therefore, although we greatly regret any disruption caused to the Court and the other litigants,  
2 the Government hereby moves for a stay of the January 7, 2019, Case Management Conference in this  
3 case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.  
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5 Respectfully submitted this 2nd day of January, 2019.

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7 JEAN E. WILLIAMS  
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U.S. Department of Justice  
9

10 /s/ Carter F. Thurman  
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